



07 JUL 2006

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In re Application of	:	
NOTTE, et al.	:	
Application No.: 10/534,086	:	
PCT No.: PCT/EP02/12170	:	DECISION ON PAPERS
Int. Filing Date: 30 October 2003	:	
Priority Date: 07 November 2002	:	UNDER 37 CFR 1.42
Attorney Docket No.: 006832.00002	:	
For: HEAT TRANSFER FLUIDS FOR	:	
APPLICATION OVER A BROAD RANGE	:	
OF TEMPERATURES	:	

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The combined declaration and power of attorney filed 05 June 2006 is being treated as a request for status under 37 CFR 1.42. No petition fee is due.

### **BACKGROUND**

On 30 October 2003, applicant filed international application PCT/EP02/12170, which claimed priority to an earlier application filed 07 November 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 May 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 07 May 2005.

On 06 May 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a First Preliminary amendment and an Information Disclosure Statement.

On 05 June 2006, applicant filed an executed combined declaration and power of attorney.

### **DISCUSSION**

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and

obtain the patent.”

The declaration submitted on 05 June 2006 was executed by Dawn King Davidson as heiress of the estate of deceased inventor, David Lee Davidson. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased inventor and the signing heiress. The present declaration only provides one set of information. In addition, in order to proceed with national stage processing a signed statement is required from either counsel or Dawn King Davidson stating that she is the sole heir to the estate. In addition, applicant is required to provide a statement that a legal representative has not been appointed nor is statutorily required to be appointed.

### CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice**.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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